

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS**

PATRICK PURSLEY,)
Plaintiff,) Case No. 3:18-cv-50040
v.) Hon. Philip G. Reinhard
THE CITY OF ROCKFORD et. al.,) Hon. Lisa A. Jensen
Defendants.)

**MOTION TO WITHDRAW PLAINTIFF'S UNOPPOSED MOTION FOR ORDER TO
SHOW CAUSE WHY LESTER BROWN SHOULD NOT BE HELD IN CONTEMPT**

Plaintiff Patrick Pursley, through counsel, hereby respectfully requests leave to withdraw his Unopposed Motion for Order to Show Cause Why Lester Brown Should Not Be Held in Contempt. In support, Plaintiff states as follows:

1. On February 21, 2020, Plaintiff filed his Unopposed Motion for Order to Show Cause Why Lester Brown Should Not Be Held in Contempt. (ECF No. 171.) The motion arose from Mr. Brown's failure to appear on February 18, 2020 for his deposition under subpoena pursuant to Federal Rule of Civil Procedure 45.

2. Following the presentment hearing on Plaintiff's motion, this court entered an order scheduling a rule to show cause hearing on March 12, 2020 and requiring Mr. Brown to appear. The order further provided that, by agreement of the parties, Mr. Brown could complete his deposition that day or before the hearing and the rule to show cause hearing would be stricken. (ECF No. 174.)

3. Despite diligence, Plaintiff was unable to personally serve Mr. Brown with notice of the hearing before it was scheduled to take place. (ECF No. 179.)

4. Consequently, following the March 12, 2020 hearing, the Court granted Plaintiff's oral motion to continue the show cause hearing to April 9, 2020 at 10:00 a.m. (ECF No. 181.)

Mr. Brown was personally served with notice of the April 9, 2020 hearing. (ECF No. 188 ¶ 6.)

5. On March 30, 2020, the Chief Judge entered the Second Amended General Order 20-0012, In re: Coronavirus COVID-19 Public Emergency. (ECF No. 186.) Pursuant to that order, all civil case hearings scheduled to occur before May 1, 2020, including the show cause hearing in this case, were stricken.

6. On April 3, 2020, Plaintiff's counsel reached Lester Brown by phone to inform him that the April 9, 2020 hearing would not go forward. During the phone conversation, Mr. Brown informed Plaintiff's counsel that he would be willing to attend a deposition in the future to avoid the need for a court hearing. Mr. Brown agreed to schedule the deposition by phone for a date after the stay-at-home order is lifted.

7. As a result, Plaintiff believes the parties and Mr. Brown can complete Mr. Brown's deposition without the need for court involvement. Accordingly, Plaintiff wishes to withdraw his motion for rule to show cause, without prejudice.

WHEREFORE, Plaintiff respectfully requests the Court enter an order permitting him to withdraw, without prejudice, Plaintiff's Unopposed Motion for Order to Show Cause Why Lester Brown Should Not Be Held In Contempt, and awarding any additional relief the Court deems just and proper.

Dated: April 6, 2020

Respectfully submitted,

PATRICK PURSLEY

By: s/ Alison R. Leff
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CERTIFICATE OF SERVICE

I, Alison R. Leff, an attorney, certify that on April 6, 2020, I caused the foregoing document to be filed via the Court's CM/ECF system, which effected service on all counsel of record.

s/ Alison R. Leff